IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRD DAY OF OCTOBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE THE ACTING CHIEF JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE R.SUBHASH REDDY

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WRIT APPEAL NO : 1838 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 24/08/2005 in WP NO : 7332 OF 2005 on the file of the High Court.)

Between:

M/s. ECI Engineering & Construction Co. Ltd.,

Rep. by its Director K.Venkat Phani, S/o.Sri K.Venkatrao
1-10-44/22/1, Chikoti Gardens, Begumpet, Hyderabad-16.
R/o.Plot No.87, Road No.9, Jubilee Hills, Hyderabad.

..... APPELLANT

AND

1 A.P.Industrial Infrastructure Corporation Ltd.,

Rep.by its Deputy Zonal Manager (D),
A Govt.Company, Registered under the companies Act 1956,

Having its Regd.Office at Parishrama Bhavan,
6th Floor, 5-9-58/B, Fathemaidan Road,

Hyderabad-29, AND 4 OTHERS.

.....RESPONDENTS

JUDGMENT: (Per Hon'ble Sri Bilal Nazki, The Acting Chief Justice)

This is a Writ Appeal against an order passed by the learned single Judge in W.V.M.P.No.1405 of 2005, dated
24-08-2005, vacating the stay granted in W.P.M.P.No.9584 of 2003.

The appellant wanted to set up a manufacturing unit of Metallurgical Coke. Respondents allotted him 9.97 acres of land for industrial purpose in IDA, Aganampudi by proceedings dated 05-12-1994 at a cost of Rs.15,95,200/-. As per clause 9(c) of the agreement, appellant was required to implement the project within a period of two years from the date of handing over the plot. The land was handed over to the appellant on
09-11-1998, and a formal agreement was entered into between the appellant and respondents. By 09-02-2001, the appellant had not even started the work on the project, and after issuance of certain notices, the allotment has been cancelled. This cancellation of allotment is challenged by way of writ petition, which is pending before the learned single judge. In the mean time, a stay had been granted, which has now been vacated.

The appellant has not done anything, which he was supposed to do under the conditions of the agreement. Therefore, in our view, the learned single Judge was right in coming to the conclusion that the appellant did not have a prima-facie case. We do not find any ground to interfere in the discretion exercised by the learned single Judge.

Therefore, the Writ Appeal is dismissed. However, in the interest of justice, if the appellant succeeds in the writ petition, the respondents shall allot him a plot of land equal in size in a suitable area. No costs.

(Bilal Nazki, A.C.J)

3rd October, 2005

(R.Subhash Reddy, J)

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